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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,162	06/29/2001	Richard Henry Dee	2001-020-TAP	7431

7590 12/23/2004  
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EXAMINER	
CASTRO, ANGEL A	
ART UNIT	PAPER NUMBER

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/896,162

**Applicant(s)**

DEE, RICHARD HENRY

**Examiner**

Angel A Castro

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-7,9,10,15-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7,9,10,15-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office Action is in response to Amendment filed 9/9/04.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5-7, 9-10, 15-17, 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Gill (U.S. Pat. 5,751,521).

Regarding claims 5 and 15, Gill discloses a reduced sensitivity spin valve sensor (figure 6), comprising:

at least two magnetically fixed layers 162, 156; and

at least two free layers 158, 164;

wherein the at least two free layers are positioned between the at least two fixed layers;

and

wherein the at least two magnetically fixed layers have a parallel magnetic orientation (see orientation 168, 172).

Regarding claims 6 and 16, Gill discloses that at least one non-magnetic spacer 160 positioned between one of the at least two fixed layers and one of the at least two free layers.

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Regarding claims 7 and 17, Gill discloses that the at least two fixed layers 162, 156 have a magnetic orientation approximately 90 degrees from a magnetic orientation of the at least two free layers (orientation 168 is the same as orientation 172 and both are 90 degrees from the orientations 190, 188 of the free layers).

Regarding claims 9 and 19, Gill discloses that the at least two fixed layers and the at least two free layers are spaced from one another by three non-magnetic spacers (154, 134, 160)

Regarding claims 10 and 20, it is evident from the reference to Gill that the magnetic flux is distributed across the at least two free layers to thereby reduce a magnetic flux fed to each free layer (see figure 6).

Regarding claim 21, Gill further discloses:

First 156, second 158, third 164, and fourth 162 ferromagnetic material layers being separated respectively from one another by three non-magnetic spacer layers 154, 134, 160, the first and fourth ferromagnetic material layers being outermost ferromagnetic material layers with respect to the second and third ferromagnetic material layers;

wherein the first and fourth ferromagnetic material layers have parallel fixed magnetization direction 168, 172;

wherein the second and third ferromagnetic material layers have magnetization directions that can rotate when under applied magnetic fields;

wherein magnetic flux is spread across at least the second and third ferromagnetic material layers to thereby reduce the magnetic flux fed to the second and third ferromagnetic layers.

***Response to Arguments***

3. Applicant's arguments filed 9/9/04 have been fully considered but they are not persuasive. mm.

Applicant asserts in page 8:

“In contradistinction, the present invention provides a spin valve sensor that includes two magnetically fixed layers. Gill does not teach a single spin valve sensor that includes two magnetically fixed layers, as recited in claim 5. The applied reference does not teach or fairly suggest each and every claim limitation; therefore, Gill does not anticipate claim 5. Independent claims 15 and 21 recite subject matter addressed above with respect to claim 5 and are allowable for the same reasons.”

The Examiner respectfully points out that claims 5, 15 and 21, does not claim a single spin valve sensor but “a spin valve sensor” and that figure 10B shows two spin valve sensors separated by a non-magnetic layer 1060

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gill (U.S. Pat. 6,259,586) discloses a magnetic tunnel junction sensor; Akiyama et al (U.S. Pat. 5,576,915) discloses a magnetoresistive head.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory

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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A Castro whose telephone number is 703-308-8435. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R Korzuch can be reached on 703-305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Angel Castro".

Angel Castro, Ph.D.